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ROBERT A. MUNROE
ASSISTANT CITY SOLICITOR

June 4, 2012

Beverly City Council
C/o City Clerk
191 Cabot Street
Beverly, MA 01915

In Re: Community Preservation Act
City Council Order No. 120 of 2012

Dear Honorable Council:

In accordance with G. L. Chapter 44B Section 3 (f) I hereby submit the attached language which I determine to be a "fair, concise summary and purpose of the law to be acted upon" which summary includes "the percentage of surcharge to be imposed".

Very truly yours,

Robert A. Munroe
Assistant City Solicitor

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Enc.

SUMMARY AND PURPOSE

“Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (Act), establish a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing.

In Beverly, the funding source for these community preservation purposes will be a surcharge of 1 % on the annual property tax assessed on real property and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: ((1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the City of Beverly, as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential real property.) A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by ordinance to study community preservation resources, possibilities and needs and to make annual recommendations to city council on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space (excluding land for recreational use) (2) historic resources and (3) affordable housing.”

The question is approved and the statute accepted if a majority of the voters voting on the ballot question vote “yes.”

ORDERED: that the City hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space; the acquisition, preservation, rehabilitation and restoration of historic resources; the acquisition, creation and preservation of land for recreational use; the acquisition, creation, preservation and support of community housing; and the rehabilitation and restoration of such open space, land for recreational use, and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be one percent (1%) of the annual real estate tax levy against real property commencing in July 2013; and that the City hereby accepts the following exemptions from such surcharge permitted under Section 3(e) of said Act: \$100,000 of the value of each taxable parcel of residential real property and property owned and occupied as a domicile by any person who qualifies for low-income housing or low- or moderate-income senior housing in the City, as defined in Section 2 of said Act.

And in accordance with G. L. Chapter 44B §3(f) it is further

ORDERED that this approval shall be submitted to the voters of the City by placement upon the ballot in the next state election (November 6, 2012) of the following Ballot Question and Summary and Purpose:

BALLOT QUESTION

Shall the City of Beverly accept sections 3 to 7, inclusive, of Chapter 44B of the General Laws, as approved by its legislative body, a summary of which appears below?

SUMMARY AND PURPOSE

“Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act (Act), establish a dedicated funding source to enable cities and towns to (1) acquire open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing.

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